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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,862	04/25/2001	Robert A. Wiedeman	900.0006USU	7241
41339	7590	12/07/2004	EXAMINER	
KARAMBELAS & ASSOCIATES 655 DEEP VALLEY DRIVE, SUITE 303 ROLLING HILLS ESTATES, CA 90274				RYMAN, DANIEL J
		ART UNIT		PAPER NUMBER
				2665

DATE MAILED: 12/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s) <input checked="" type="checkbox"/>
	09/841,862	WIEDEMAN ET AL.
Examiner	Art Unit	
Daniel J. Ryman	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 April 2001.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) 8-13 and 21-24 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 and 14-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-7 and 14-20, drawn to a method and system for path set-up, classified in class 370, subclass 352.
  - II. Claims 8-13 and 21-24, drawn to a method and system for bandwidth conservation, classified in class 370, subclass 477.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as setting up a path through a satellite network as a packet-switched or a circuit-switched connection depending upon QoS requirements. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Anthony Karambelas on 19 November 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-7 and 14-20. Affirmation of this election must be made by applicant in replying to this Office action. Claims 8-13 and 21-24 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Drawings***

6. The drawings are objected to because the user interface, ref. 36, is not coupled to the controller in Fig. 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

***Specification***

7. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).

8. The disclosure is objected to because of the following informalities: on page 5, line 3, "(ISL) 44" should be "(ISL) 41" to match Fig. 1. Appropriate correction is required.

9. Examiner requests that applicant update the application information on page 1, lines 28-31, in order reflect any changes in the status of the application.

***Information Disclosure Statement***

10. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless

the references have been cited by the examiner on form PTO-892, they have not been considered. The references on page 5, lines 9-21, should be included in an IDS.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-5 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forslow (USPN 6,608,832) in view of Rocanova (USPN 6,522,658).

13. Regarding claims 1 and 14, Forslow discloses a mobile telecommunications system and method, comprising: at least one user terminal (col. 6, lines 48-54); and at least one gateway bidirectionally coupled to a data communications network (col. 6, lines 60-64); said user terminal comprising a controller responsive to applications for selecting individual ones of a plurality of Quality of Service (QoS) modes for servicing different application requirements (col. 5, lines 41-60 and col. 6, lines 48-64).

Forslow does not expressly disclose that the mobile telecommunications system is mobile satellite telecommunications system which includes at least one satellite in earth orbit; however, Forslow does disclose that the invention can be used in a variety of mobile telecommunication systems (col. 8, lines 60-63). Rocanova teaches that it is important to discriminate and route packets based on QoS requirements in satellite-based communication systems since orbital designs must accommodate the need for short round trip times required for voice data (col. 1, lines 32-36). Thus, it would have been obvious to one of ordinary skill in the art at the time of

the invention to have the mobile telecommunications system be a mobile satellite telecommunications system, which includes at least one satellite in earth orbit, since it is important to discriminate and route packets based on QoS requirements in satellite-based communication systems.

14. Regarding claims 2 and 15, referring to claims 1 and 14, Forslow in view of Roccanova discloses that the user terminal operates to communicate a request for a selected one of said QOS modes at least to said gateway, and in response the system allocates resources to accommodate the requested QOS mode (Forslow: col. 6, lines 3-15 and col. 6, lines 48-64).

15. Regarding claims 3 and 16, referring to claims 1 and 14, Forslow in view of Roccanova suggests that a user is billed a greater amount for use of a QOS of higher quality (Forslow: col. 1, lines 41-62) where Forslow discloses that higher QoS requirements mandate less efficient use of resources.

16. Regarding claims 4 and 17, referring to claims 1 and 14, Forslow in view of Roccanova suggests that the QOS modes comprise a Highest Quality of Service mode, a Medium Quality of Service mode, a Best Available Quality of Service mode (Forslow: col. 5, lines 1-10), and a Guaranteed Data Rate Packet Data Service mode (Forslow: col. 1, lines 48-51).

17. Regarding claims 5 and 18, referring to claims 1 and 14, Forslow in view of Roccanova discloses that the controller selects one of a circuit switched or a packet switched mode of operation (Forslow: col. 5, lines 41-51 and col. 6, lines 48-54).

18. Claims 6, 7, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forslow (USPN 6,608,832) in view of Roccanova (USPN 6,522,658) in further view of Wiedeman et al. (USPN 5,655,005).

19. Regarding claims 6 and 19, Forslow discloses a mobile telecommunications system and method, comprising: at least one user terminal (col. 6, lines 48-54); at least one gateway bidirectionally coupled to a data communications network (col. 6, lines 60-64); and a processor responsive at least to stored information for selecting a path through said network to a destination gateway for routing a communication to or from said data communication network and said user terminal (col. 6, lines 7-10) where the resource reservation approach allows a terminal to select a particular path to transmit the information, and for causing a description of said selected path to be transmitted from said user terminal to at least one node of the network (col. 6, lines 3-15 and col. 6, lines 48-64) where the terminal must inform the system of the selected path in order for the system to use that path.

Forslow does not expressly disclose that that the mobile telecommunications system is mobile satellite telecommunications system which includes a constellation of satellites in earth orbit; however, Forslow does disclose that the invention can be used in a variety of mobile telecommunication systems (col. 8, lines 60-63). Roccanova teaches that it is important to discriminate and route packets based on QoS requirements in satellite-based communication systems since orbital designs must accommodate the need for short round trip times required for voice data (col. 1, lines 32-36) where the satellite communication system uses a constellation of satellites (col. 1, lines 37-60). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the mobile telecommunications system be a mobile satellite telecommunications system, which includes a constellation of satellites in earth orbit, since it is important to discriminate and route packets based on QoS requirements in satellite-based communication systems.

Forslow in view of Rocanova does not expressly disclose that the processor is responsive at least to stored satellite ephemeris information for selecting a path through said satellite constellation. Wiedeman teaches, in a satellite communication system, using satellite ephemeris information in order to select a path through a satellite constellation when the satellites move relative to the end user (col. 3, lines 12-26). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the processor be responsive at least to stored satellite ephemeris information for selecting a path through said satellite constellation in order to select a path through a satellite constellation when the satellites move relative to the end user.

20. Regarding claims 7 and 20, referring to claims 6 and 19, Forslow in view of Rocanova in further view of Wiedeman suggests that the processor is further responsive to stored gateway location information for selecting said path through said satellite constellation to said destination gateway (Forslow: col. 6, lines 3-15 and col. 6, lines 48-64 and Wiedeman: col. 3, lines 12-26) where the location of the gateway must be known in order to complete a path through that gateway.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Ryman whose telephone number is (571)272-3152. The examiner can normally be reached on Mon.-Fri. 7:00-4:30 with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel J. Ryman  
Examiner  
Art Unit 2665



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